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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,036	11/20/2001	Richard Falk	EFIM0289	3634
31408	7590	05/13/2005	EXAMINER	
JAMES TROSINO 268 Bush Street #3434 SAN FRANCISCO, CA 94104			THOMPSON, JAMES A	
			ART UNIT	PAPER NUMBER

2624

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,036

Applicant(s)

FALK, RICHARD

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☒ Claim(s) 7, 16, 23, 30, 39, 46, 53 and 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 7, 16, 23, 30, 39, 46, 53 and 60 are objected to because of the following informalities:

Claims 7, 16, 23, 30, 39, 46, 53 and 60 recite "other tasks including, but not limited to, mirroring or four-way mirroring". The phrase "but not limited to" is redundant since the word "including" is considered open language, and thus inherently provides for the fact that the "other tasks" are not limited to "mirroring or four-way mirroring".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-9, 12-15, 17-22, 24-29, 31-32, 35-38, 40-45, 47-52 and 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503).

Regarding claims 8 and 31: Bloomquist discloses providing a Raster Image Processor (RIP) (figure 11(234,240) and column 7, lines 31-35 of Bloomquist); wherein the RIP sends a requested spot color pattern (column 13, lines 56-60 of Bloomquist) by

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requesting the spot color pattern from the RIP (column 13, lines 43-47 and lines 60-65 of Bloomquist); wherein the RIP sends the requested spot color pattern (column 13, lines 59-60 of Bloomquist) to the application program (column 13, lines 43-45 and column 14, lines 4-10 of Bloomquist).

Bloomquist does not disclose expressly providing a database of spot color patterns on the RIP; wherein the database comprises spot color pattern name and image pairs; wherein the RIP sends the requested spot color pattern to the application program if the spot color pattern exists in the database; and wherein the spot color pattern simulates a user's specialized print media.

Gass discloses providing a database of spot color patterns on the RIP (figure 4 and column 5, line 65 to column 6, line 6 of Gass); wherein the database comprises spot color pattern name (column 6, lines 62-64 of Gass) and image pairs (column 5, lines 53-56 and lines 61-63 of Gass); wherein the RIP sends the requested spot color pattern to the application program if the spot color pattern exists in the database (column 7, lines 33-39 of Gass); and wherein the spot color pattern (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) simulates a user's specialized print media (column 6, lines 19-31 of Gass). Each set of spot color patterns and thus the names associated with said spot color patterns (figure 4 of Gass), are associated with a particular file name (column 5, lines 53-56 and lines 61-63 of Gass). In order to edit the spot colors (column 7, lines 33-39 of Gass), said spot colors must be in the database (figure 4 of Gass). Otherwise, the spot colors are not available for editing. Further, any spot color pattern (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) is available for the user

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to simulate any kind of color pattern (column 6, lines 19-31 of Gass). Thus, with the system of Gass, the user is able to select a spot color pattern which simulates the user's specialized print media.

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to load and modify a spot color database associated with a particular image file, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column 6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 8 and 31.

Further regarding claim 31: The process of claim 8 is performed using software (column 7, lines 40-51 of Bloomquist). Therefore, the physically embodied computer program of claim 31 is taught by Bloomquist.

Regarding claims 1, 14, 17, 24 and 37: Bloomquist discloses receiving the user's print job (column 10, line 66 to column 11, line 4 of Bloomquist); scanning the print job for a spot color pattern name (column 13, lines 56-65 of Bloomquist); providing means for adding page description language code to the print job (column 13, lines 56-63 of Bloomquist) to paint the spot color pattern where required in the print job (column 14, lines 4-10 of Bloomquist); executing the page description

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language code in the print job (column 14, lines 16-24 of Bloomquist); and sending the print job to a printer (column 8, lines 5-11 and column 14, lines 26-29 of Bloomquist).

Spot color patterns are normally used to simulate any of the user's specialized print media, added materials, or specialized inks, and thus it would be reasonable to assume that such is taught by Bloomquist. However, Bloomquist does not disclose *expressly* that the spot color pattern simulates any of the user's specialized print media, added materials, or specialized inks.

Gass discloses spot color patterns (figure 4(86a-86d, 88a-88c) and column 6, lines 9-19 of Gass) which simulate any of the user's specialized print media, added materials, or specialized inks (column 6, lines 19-31 of Gass).

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use spot color patterns that correspond to particular specialized inks (figure 4(86a-86d, 88a-88c of Gass), which can define the surface of specialized print media or added materials, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column 6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 1, 14, 17, 24 and 37.

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Further regarding claims 17 and 24: The process of claim 1 is performed using software (column 7, lines 40-51 of Bloomquist). Therefore, the physically embodied computer program of claim 24 is taught by Bloomquist. Further, the modules of the apparatus of claim 17 are each portions of the physically embodied software, along with the CPU and the appropriate portions of the computer memory, which perform the corresponding functions of each module.

Regarding claims 40, 47 and 54: Bloomquist discloses receiving the user's print job (column 10, line 66 to column 11, line 4 of Bloomquist); providing means for injecting (column 13, lines 55-56 of Bloomquist) page description language code into the print job (column 13, lines 56-63 of Bloomquist) to redefine the spot color pattern code in the print job (column 14, lines 4-10 of Bloomquist); executing the page description language code in the print job (column 14, lines 16-24 of Bloomquist); detecting the spot color pattern name (column 13, lines 56-65 of Bloomquist); wherein the injected page description language code is executed (column 14, lines 16-23 of Bloomquist) when a spot color pattern name is detected (column 13, lines 48-50 and lines 60-67 of Bloomquist); and wherein the spot color pattern is painted where required in the print job (column 14, lines 5-12 of Bloomquist).

Spot color patterns are normally used to simulate any of the user's specialized print media, added materials, or specialized inks, and thus it would be reasonable to assume that such is taught by Bloomquist. However, Bloomquist does not disclose expressly that the spot color pattern simulates any of the user's specialized print media, added materials, or specialized inks.

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Gass discloses spot color patterns (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) which simulate any of the user's specialized print media, added materials, or specialized inks (column 6, lines 19-31 of Gass).

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use spot color patterns that correspond to particular specialized inks (figure 4(86a-86d,88a-88c of Gass), which can define the surface of specialized print media or added materials, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column 6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 40, 47 and 54.

Further regarding claims 47 and 54: The process of claim 40 is performed using software (column 7, lines 40-51 of Bloomquist). Therefore, the physically embodied computer program of claim 54 is taught by Bloomquist. Further, the modules of the apparatus of claim 47 are each portions of the physically embodied software, along with the CPU and the appropriate portions of the computer memory, which perform the corresponding functions of each module.

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Further regarding claims 2, 12, 18, 25, 35, 41, 48 and 55: Gass discloses that the spot color pattern is definable by a user (column 6, lines 28-30 of Gass).

Regarding claims 3-4, 13, 19-20, 26-27, 36, 42-43, 49-50 and 56-57: Bloomquist does not disclose expressly providing a user interface on the RIP that allows a user to create, modify, and/or delete spot color patterns in the database; and wherein the user associates a spot color pattern name with an image.

Gass discloses providing a user interface (figure 4 of Gass) on the RIP that allows a user to create, modify, and/or delete spot color patterns in the database (column 7, lines 33-39 of Gass); and wherein the user associates a spot color pattern name with an image (column 5, lines 53-56 and lines 61-63 of Gass).

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a user interface by which a user may create, modify, and/or delete the spot color patterns in the database, said spot color patterns being associated with a particular image, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column 6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 3-4, 13, 19-20, 26-27, 36, 42-43, 49-50 and 56-57.

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Further regarding claims 5, 21, 28, 44, 51 and 58: Gass discloses storing a spot color pattern name (column 6, lines 62-64 of Gass) and image pair (column 5, lines 53-56 and lines 61-63 of Gass) in a database (figure 2(56) of Gass). The database is the computer memory (figure 2(56) of Gass) upon which the page description language files are stored (column 5, lines 31-35 and 45-47 of Gass). Each page description language file (column 5, lines 53-56 and lines 61-63 of Gass) contains the corresponding stored spot color pattern names (column 6, lines 62-64 of Gass).

Regarding claims 6, 15, 22, 29, 38, 45, 52 and 59: Bloomquist discloses that the scanning step identifies a spot color pattern name (column 13, lines 56-65 of Bloomquist) and extracts the associated image from the database (column 14, lines 4-10 of Bloomquist).

Further regarding claims 9 and 32: Gass discloses that the application program stores the spot color pattern locally (figure 4 and column 5, line 67 to column 6, line 4 of Gass) and uses it for further references by a user (column 6, lines 25-31 of Gass).

4. Claims 7, 16, 23, 30, 39, 46, 53 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503) and Hains (US Patent 6,262,811 B1).

Regarding claims 7, 16, 23, 30, 39, 46, 53 and 60: Bloomquist discloses adding additional page description language code (column 13, lines 55-63 of Bloomquist) to the print job to perform other tasks (column 14, lines 4-10 of Bloomquist).

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Bloomquist in view of Gass does not disclose expressly that said other tasks include, but are not limited to, mirroring or four-way mirroring to prevent stitches from appearing in the printout.

Hains discloses mirroring (column 3, lines 35-39 of Hains or four-way mirror of halftone dot patterns (figure 8 and column 3, lines 39-46 of Hains). Using mirroring or four-way mirroring of halftone dot patterns naturally prevent printing artifacts such as stitching.

Bloomquist in view of Gass is combinable with Hains because they are from similar problem solving areas, namely how to best represent halftone patterns in printing to achieve more pleasing and accurate image representations. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use mirroring or four-way mirroring, as taught by Hains, for the spot color patterns taught by Bloomquist in view of Gass. Since the digital image data processing taught by Bloomquist in view of Gass is performed by injecting page description language code, then the mirroring or four-way mirroring process performed by Hains would be performed by adding additional page description language code. Therefore, it would have been obvious to combine Hains with Bloomquist in view of Gass to obtain the invention as specified in claims 7, 16, 23, 30, 39, 46, 53 and 60.

5. Claims 10-11 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503) and Ng (US Patent 6,131,096).

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Regarding claims 10 and 33: Bloomquist in view of Gass does not disclose expressly that an application program queries the RIP to see if the RIP has a particular spot color pattern in its database, and wherein the application program downloads the spot color pattern to the RIP if the RIP does not have the spot color pattern in its database.

Ng discloses an application program that queries the client processor to see if the client processor has particular data content in its database (figure 6(610,615) and column 8, lines 45-53 of Ng), and wherein the application program downloads the particular data content to the client processor if the client processor does not have the particular data content in its database (figure 6(620,625) and column 8, lines 57-64 of Ng).

Bloomquist in view of Gass is combinable with Ng because they are from similar problem solving areas, namely how to manage digital content databases. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the database updating process taught by Ng in the system taught by Bloomquist in view of Gass. The client processor of Ng would then be the RIP taught by Bloomquist in view of Gass and the particular data content of Ng would be the spot color patterns taught by Bloomquist in view of Gass. The suggestion for doing so would have been that, if the spot color pattern is needed but not in the database, then clearly said spot color pattern must be obtained somehow in order to the image data processing to be successful. One common technique of obtaining data for a database is to download said data as necessary. Therefore, it would have been obvious to combine Ng with Bloomquist in view of Gass to obtain the invention as specified in claims 10 and 33.

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Regarding claims 11 and 34: Bloomquist in view of Gass does not disclose expressly that an application program downloads any required spot color pattern to the RIP when a job is sent to the RIP to be printed.

Ng discloses that an application program downloads any required data to the client processor (figure 6(620,625) and column 8, lines 57-64 of Ng) when databases are to be synchronized (figure 6(610,615) and column 8, lines 42-49 of Ng).

Bloomquist in view of Gass is combinable with Ng because they are from similar problem solving areas, namely how to manage digital content databases. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the database updating process taught by Ng in the system taught by Bloomquist in view of Gass. The client processor of Ng would then be the RIP taught by Bloomquist in view of Gass and the required data of Ng would be the spot color patterns not yet in the database, as taught by Bloomquist in view of Gass. The synchronization of databases taught by Ng would logically occur in the system of Bloomquist in view of Gass when a job is sent to the RIP to be printed. It is at the time of printing that all the required spot color patterns are needed in the database. The suggestion for doing so would have been that, if the spot color pattern is needed but not in the database, then clearly said spot color pattern must be obtained somehow in order to the image data processing to be successful. One common technique of obtaining data for a database is to download said data as necessary. Therefore, it would have been obvious to combine Ng with Bloomquist in view of Gass to obtain the invention as specified in claims 11 and 34.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
05 May 2005



THOMAS D
~~THOMAS~~ LEE
PRIMARY EXAMINER